

HOUSE No. 1894

By Mr. Perry of Sandwich, petition of Jeffrey Davis Perry and others that police officers employed in towns located in Barnstable County and the county of Nantucket be authorized to exercise police powers throughout said counties. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Jeffrey Davis Perry
Shirley Gomes
Eric Turkington

Mathew C. Patrick
Robert A. O'Leary
Cleon H. Turner

In the Year Two Thousand and Five.

AN ACT AUTHORIZING MUNICIPAL POLICE OFFICERS OF THE CITIES AND TOWNS LOCATED WITHIN THE COUNTIES OF BARNSTABLE AND NANTUCKET TO EXERCISE POLICE POWERS INCLUDING WARRANTLESS ARREST AUTHORITY ANYWHERE WITHIN THE COUNTIES OF BARNSTABLE AND NANTUCKET.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general law or special law to
2 the contrary, municipal police officers appointed and employed by
3 any city or town located within Barnstable County and Nantucket
4 County, who have successfully completed the training programs
5 for full time police officers as required by the provisions of
6 section 96B chapter 41 of the General Laws, shall have the
7 authority to exercise arrest powers anywhere within Barnstable
8 County and Nantucket County for any offense committed in their
9 presence for which they would have the right to arrest without a
10 warrant if they were a police officer of the city or town in which
11 the arrest was made. In addition, said officers may exercise arrest
12 powers anywhere within Barnstable County and Nantucket
13 County for any felony committed outside the officer's presence,

14 provided that the officer has probable cause to believe that the
15 person to be arrested had committed a felony. Said municipal
16 police officer may command aid and exercise the same police
17 authority as if he was in his own municipal jurisdiction.

1 SECTION 2. Any municipal police officer that makes an arrest
2 outside his territorial jurisdiction pursuant to the provisions of this
3 act shall allow the police department of the city or town in which
4 the arrest was made to take custody of the arrested person. Said
5 municipal police officers acting under the authority of this act,
6 may conduct constitutionally permissible investigative detentions
7 and searches incidental to an arrest.

1 SECTION 3. Whenever any municipal police officer is acting
2 under lawful authority pursuant to the provisions of this act said
3 officer should be considered to be acting within the scope of
4 employment. All municipal police officers subject to this act shall
5 have the same authority, privileges and immunities as every sworn
6 police officer of the Commonwealth. This act shall not serve to
7 limit the authority of said municipal police officers as provided
8 for elsewhere in the General Laws or by other authority.

1 SECTION 4. The chiefs of police of the cities and towns
2 located within Barnstable County and Nantucket County may pro-
3 mulgate mutual aid agreements, uniform rules, regulations, orders,
4 policies, procedures and training programs for the effective imple-
5 mentation, management, and administration of the provisions of
6 this act.